



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

### Region 6

1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

October 5, 2012

Janelle Stokes  
U.S. Army Corps of Engineers  
Galveston District  
P.O. Box 1229  
Galveston, Texas 77553-1229

Dear Ms. Stokes:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Final Environmental Impact Statement (FEIS) prepared by the Galveston District, U.S. Army Corps of Engineers (USACE) for the Freeport Harbor Channel Improvement Project, Brazoria County, Texas. The Brazos River Harbor Navigation District (also known as Port Freeport) proposes to deepen and widen the Freeport Harbor Channel and associated turning basins (except Brazos Harbor), up to and including the Stauffer Turning Basin to eliminate existing operational constraints.

In our letter dated February 11, 2011, EPA rated the Draft EIS as Environmental Concerns - Insufficient Information (EC-2), primarily due to concerns with air quality, the ocean dredged material disposal site, children's health, cumulative impacts, and greenhouse gas emissions. EPA believes that the USACE has sufficiently and adequately addressed the concerns in the comment letter. However, we have additional comments below:

#### ES.5 Vegetation and Wetlands, page ES-7

This section states "Construction of two new upland confined Placement Areas (PA), PAs 8 and 9, would convert approximately 418 acres of land, including 21 acres of forest and 39 acres of ephemeral wetlands, to a dredged material placement area. Coordination with U.S. Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) regarding these impacts has resulted in proposed mitigation that includes creation and maintenance of forested habitat and creation of wetland areas adjacent to impact areas".

- It appears that much of the area designated as pasture (358 acres) could be wetlands that would need to be mitigated in-kind.
- EPA recommends that the USACE provide field verified wetland delineations using a combination of the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement (Version 2.0) for the proposed inland PAs 8 and 9. EPA requests a review of the field delineations.

### 3.6.1.3 Greenhouse Gas Emissions and Climate Change (GHG), page 3-46

This section contains the statement “To date, specific thresholds to evaluate adverse impacts pertaining to GHG emissions have not been established by local decision-making agencies, the State, or the Federal government”. From a perspective of specific thresholds (Significant Impact Levels, National Ambient Air Quality Standards) applicable to GHG emissions, this statement is correct. However, GHG emissions are typically associated with other air pollutants. Please clarify this statement to indicate that associated air pollutants have been evaluated for project-related impacts.

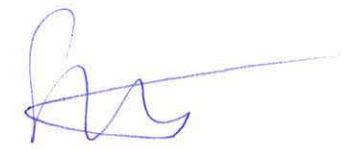
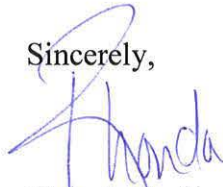
### 6.4.1.1 Wetlands, page 6-19

This section states “The Locally Preferred Plan Alternative would impact 39 acres of ephemeral wetlands, mitigated by one 3-acre pond planted with appropriate vegetation to fully compensate for lost average annual habitat units”.

- EPA recommends the USACE use the approved wetland functional assessment model, iHGM, required by the Galveston District for permits, to determine the wetland types that would be impacted and the extent of functional loss and appropriate compensatory mitigation that would be required to fully restore the unavoidable adverse impacts to waters of the U.S., including special aquatic sites as identified in 40 CFR Part 230 Section 404(b)(1). EPA requests a review of the iHGM assessment and mitigation plan.

EPA asks that the USACE address these concerns and any mitigation in a Supplemental Information Report and/or the Record of Decision (ROD) document to complete the NEPA process. EPA appreciates the opportunity to review the FEIS. If you have any questions or concerns, please contact John MacFarlane of my staff at [macfarlane.john@epa.gov](mailto:macfarlane.john@epa.gov) or 214-665-7491 for assistance.

Sincerely,



Rhonda Smith  
Chief, Office of Planning  
and Coordination